UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDY NIBUNGCO MONTANTE

Defendant.

Case:2:16-cr-20576
Judge: Murphy, Stephen J.
MJ: Stafford, Elizabeth A.
Filed: 08-23-2016 At 03:28 PM
INDI USA v MONTANTE (dat)

VIO: 18 U.S.C. § 2251(a)
18 U.S.C. § 2422(b)
18 U.S.C. § 2252A(a)(2)
18 U.S.C. § 2252A(a)(5)(B)

_______________________________________/

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

18 U.S.C. §§ 2251(a); (e)
Production of Child Pornography

On or about and between February 1, 2016, through on or about August 10, 2016, both dates being approximate and inclusive, in the Eastern District of Michigan and elsewhere, the defendant, RANDY NIBUNGCO MONTANTE, did knowingly attempt to and did employ, use, persuade, induce, entice and coerce any minor, specifically MV-1, a female child born in 2002, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means; and the visual depiction was transported using any means and facility of interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2251(a); (e).

COUNT TWO

18 U.S.C. § 2422(b)
Coercion and Enticement of a Minor

On or about and between February 1, 2016, through on or about August 10, 2016, both dates being approximate and inclusive, within the Eastern District of Michigan and elsewhere, the defendant, RANDY NIBUNGCO MONTANTE, did knowingly and unlawfully attempt to and did use any facility and means of interstate and foreign commerce to persuade, induce, entice, and coerce any individual who had not attained the age of 18 years, specifically MV-1, a female child born in 2002, to engage in any sexual activity for which any person can be charged with a criminal offense, including production of child pornography, in violation of Title 18, United States Code, Section 2422(b).

COUNT THREE

18 U.S.C. § 2252A(a)(2)
Receipt of Child Pornography

From or about February 1, 2016, through on or about August 10, 2016, both dates being approximate and inclusive, in the Eastern District of Michigan and elsewhere, the defendant, RANDY NIBUNGCO MONTANTE, did knowingly receive child pornography, that is, visual depictions of sexually explicit conduct, including, but not limited to, the lascivious exhibition of the genitals or pubic area as defined in 18 U.S.C. § 2256(8)(A); and the images received by the defendant were mailed, shipped, and transported using the Internet, a means and facility of interstate or foreign commerce, and were mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT FOUR

18 U.S.C. § 2252A(a)(5)(B)
Possession of Child Pornography

On or about August 10, 2016, in the Eastern District of Michigan and elsewhere, defendant, RANDY NIBUNGCO MONTANTE, knowingly possessed images of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), any visual depiction of sexually explicit conduct, where the production of such child pornography involved the use of a real minor engaged in sexually explicit conduct, including, but not limited to, the lascivious display of the genital or pubic area of any person, that had been produced using materials that had been mailed and shipped and transported in interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

FORFEITURE ALLEGATIONS

18 U.S.C. § 2253
Criminal Forfeiture

Upon conviction of one or more of the offenses charged in Counts One through Four of the Indictment, defendant shall, pursuant to Title 18, United States Code, Section 2253, forfeit to the United States the following:

a) Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, or 2252, 2252A, 2252B, or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of these subsections;

b) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

c) Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

If any of the property subject to forfeiture pursuant to Title 18, United States Code, Section 2253, as a result of any act or omission of the defendant--

a) cannot be located upon the exercise of due diligence;
b) has been transferred to, sold to, or deposited with a third party;
c) has been placed beyond the jurisdiction of this Court;
d) has been substantially diminished in value; or
e) has been commingled with other property which cannot be divided without difficulty;

the United States of America, intends to seek forfeiture of all other property of the defendant up to the value of forfeiture applicable in this case.

THIS IS A TRUE BILL.

s/ Grand Jury Foreperson
Grand Jury Foreperson

BARBARA L. MCQUADE
UNITED STATES ATTORNEY

s/ Matthew A. Roth
MATTHEW A. ROTH
Chief, General Crimes Unit
Assistant United States Attorney
211 West Fort Street, Suite 2001
Detroit, MI 48226-3220
Phone: 313-226-9186
E-Mail: matthew.roth2@usdoj.gov

s/ Margaret M. Smith
MARGARET M. SMITH
Deputy Chief, General Crimes Unit
Assistant United States Attorney
211 West Fort Street, Suite 2001
Detroit, MI 48226-3220
Phone: 313-226-9135
E-Mail: margaret.smith@usdoj.gov

Dated: August 23, 2016

United States District Court Eastern District of Michigan	**Criminal Case**

Case:2:16-cr-20576
Judge: Murphy, Stephen J.
MJ: Stafford, Elizabeth A.
Filed: 08-23-2016 At 03:28 PM
INDI USA v MONTANTE (dat)

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to

Companion Case Information	**Companion Case Number:**
This may be a companion case based upon **LCrR 57.10 (b)(4)**[1]:	**Judge Assigned:**
☐ Yes ☒ No	**AUSA's Initials:**

Case Title: USA v. Randy Nibungco Montante

County where offense occurred : Wayne County

Check One: ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

____Indictment/____Information --- **no** prior complaint.
✓ Indictment/____Information --- based upon prior complaint [**Case number:** 16-mj-30350]
____Indictment/____Information --- based upon **LCrR 57.10 (d)** ***[Complete Superseding section below]***.

Superseding Case Information

Superseding to Case No: ____________________ **Judge:** ____________________

☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name	**Charges**	**Prior Complaint (if applicable)**

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

August 23, 2016
Date

Margaret M. Smith
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226-3277
Phone: 313-226-9135
Fax: 313-226-5892
E-Mail address: margaret.smith@usdoj.gov
Attorney Bar #: 71413

[1] Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.